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## Asbestos removal notice never filed on troubled former Beech-Nut plant demolition in Canajoharie

EPA says owner faces possible fines

By Brian Nearing Published 11:07 pm, Wednesday, April 1, 2015

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### *Canajoharie*

An out-of-state businessman who is having the asbestos-tainted sprawling former Beech-Nut plant in Canajoharie demolished never filed federally required asbestos removal notices with the [U.S. Environmental Protection Agency](#).

Demolition work at the plant, which dominates the village downtown and is visible from the state Thruway, began last year and was shut down by the state in the fall for improper asbestos removal. More than a half-million dollars in local property taxes are also delinquent.

EPA spokesman [Elias Rodriguez](#) said [Todd Clifford](#), who bought the building from Beech-Nut in December 2013 for \$200,000, did not file a required notice that demolition requiring asbestos removal would be done. Such notices tell how much asbestos is present in a building, what companies will perform the removal, and how work will be performed before demolition.

#### **More Information**

Failure by a property owner to file such a notice can trigger a fine of \$37,500 a day, said Rodriguez, who declined further comment on "ongoing or

potentially ongoing investigations." EPA regulates removal of asbestos, which causes cancer, under the [Asbestos National Emission Standards for Hazardous Air](#)

## Pollutants.

Clifford, whose **TD Development** LLC is based outside Cincinnati, did not return calls seeking comment on Wednesday.

Clifford had been increasingly at odds with village and Montgomery County officials over the project. He owes more than a half-million dollars in delinquent property taxes on the 27-acre parcel and the county said last week that it expects to foreclose on the building for back taxes when that becomes possible early next year.

Demolition and asbestos removal were halted last year at the plant's warehouse complex after asbestos was released inside the building, which is in downtown Canajoharie, according to Village Mayor **Francis Avery**. Work was stopped again last month after an asbestos removal company stopped work, claiming Clifford never paid it.

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The state **Labor Department**, which also enforces asbestos reporting and removal rules, has refused to answer questions from the **Times Union** about the project.

However, the Labor Department issued a Feb. 18, 2014, violation against Clifford and TD Development for failure to file a survey of asbestos at the Beech-Nut site, according to a copy of the violation obtained by the Times Union. The violation was signed by DOL Senior Industrial Hygienist Jason Pensabene based on a Feb. 10 inspection of the property, and it ordered Clifford to comply "immediately."

The DOL press office did not return a call seeking comment on Wednesday. It could not be determined when or if Clifford filed the survey.

At least four different asbestos abatement contractors have been hired by Clifford, and

all have either left the job or have been terminated.

One contractor, **Tom Gilbert**, owner of Schenectady-based **CGK Environmental Services**, stopped work last month, saying he was hired last fall by Clifford and is now owed about \$20,000. Another company, **Edgeco Environmental Inc. of Cohoes**, filed a lien against the property in July 2014 for a \$53,000 unpaid bill.

Gilbert said he filed his own federal asbestos removal notice on the Beech-Nut project – the only one on file with EPA – in February after he witnessed various issues with demolition, past asbestos handling and metal recycling. "This filing was not to protect Clifford; it was to cover me," said Gilbert.

Earlier this year, when the Times Union asked the state Labor Department about asbestos abatement enforcement history on the property, and for reports on the presence of asbestos and how it was removed, a department spokesman could offer no information.

The Times Union submitted a Freedom of Information Law request at the end of January for the records. After initially claiming records would be provided by the end of February, the department's **Record Access Office** said in March that no information could be provided before the end of June because of a backlog of FOIL requests.

The Beech-Nut facility has been empty since 2010, when the company moved to a new plant in the town of Florida in Montgomery County. State and local taxpayer incentives worth \$100 million-plus helped pay for the \$124 million new plant, which employs about 300 people.

But the state assistance did not address what would become of the former plant. Clifford's failure to pay property taxes on the former plant accounts for about 10 percent of the village's total tax levy. This month, Montgomery County was to cover about \$255,000 in overdue village and school district taxes.

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